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BUNTON, and ALYCE DENISE PAYNE.

(Additional Attorneys for Plaintiffs Listed on the
Following Page)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SANTEYA DANYELL WILLIAMS,
MARY RUTH SCOTT, KAREN
LATREECE COLEMAN, PRISCILLA
BUNTON, and ALYCE DENISE PAYNE,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

CITY OF ANTIOCH,

Defendant.

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CITY OF ANTIOCH

No. C-08-2301 SBA (EDL)

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING CONFIDENTIAL
INFORMATION, PERSONNEL AND
COMPLAINT DOCUMENTS**

1 American Civil Liberties Union Foundation of Northern California
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1 The parties expect that discovery in this action may involve disclosure of documents that
2 may have personally identifiable information of a private nature, such as documents indicating
3 complaints against Davis Police Department officers. The parties hereby stipulate:

4
5 1. Confidential Information

6 For purposes of this Stipulation and Protective order, "confidential information" means
7 information that discloses police personnel files, or identifies an individual by name and/or
8 address in a document that indicates complaints against Davis Police officers. Confidential
9 information also includes information that identifies a complainant by name and address or
10 identifies juveniles whose information is protected by law. A document is not subject to this
11 Stipulation and Protective Order if: 1) personally identifying information is redacted; 2) the
12 document was produced pursuant to a Public Records Act request; or 3) the document is publicly
13 available.
14

15 If the City of Davis believes a document contains protected confidential information it
16 shall stamp the document with the designation "confidential" or provide a log that lists the
17 document as confidential. If plaintiffs believe a document is inappropriately designated as
18 confidential, it shall meet and confer with the City of Davis regarding the document. If the
19 dispute cannot be resolved, the matter shall be referred to a Magistrate Judge for resolution. In
20 any proceeding, the burden of justifying the confidential status of the document shall be on the
21 designating party. The parties shall meet and confer about the treatment of any documents that
22 identifies juveniles.
23

24 2. Personnel and Complaint Documents

25 Plaintiffs have sought by subpoena records that include, *inter alia*, complaints of racial
26 discrimination, racial profiling, or civil rights violations made against the Davis Police
27 Department. The City of Davis has objected to this subpoena.
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1 Subject to the terms of this Stipulated Protective Order, the City of Davis shall produce
2 all documents concerning complaints of racial discrimination, racial profiling, or civil rights
3 violations made against the Davis Police Department (Request No. 2).

4
5 3. Access to and Use of Documents

6 The parties hereby agree that documents containing confidential information received in
7 discovery in this case shall be used solely for purposes of this litigation and shall not be
8 disclosed to the public or to parties or attorneys not involved in this litigation. Nothing in this
9 Stipulation and Protective Order shall prohibit disclosure of any confidential information to court
10 reporters and professional vendors (i.e. videographers etc.), the court and its personnel, a party, a
11 party's attorney, support staff, consultants and experts or to an individual who created, is the
12 source of information or received the document containing confidential information, or who is
13 named or identified in the document or whose family member or housemate is named in the
14 document. There shall be no reproduction of documents containing confidential information,
15 except as required by the needs of litigating this action. Copies of documents containing
16 confidential information may be shown during depositions to witnesses to whom disclosure is
17 reasonably necessary for this litigation, but copies will not be given to such witnesses before or
18 after their deposition.
19

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21 Except as otherwise provided in this paragraph, documents containing confidential
22 information, including all copies, produced to plaintiff shall remain in the custody of plaintiffs'
23 attorneys during the pendency of this action, except that any outside expert or consultant retained
24 by plaintiffs or their attorneys for the purposes of this action, may temporarily have custody of
25 any documents that are necessary for the expert or consultant to render an expert opinion. Any
26 such expert or consultant shall promptly return all documents containing confidential
27 information after an opinion has been rendered or, where applicable, a report prepared. Plaintiffs
28

1 or their attorneys shall inform any expert or consultant of the existence of this Protective Order.

2 Upon final resolution of this litigation, including all appeals, all documents containing
3 confidential information produced to plaintiffs shall either be returned to counsel for City of
4 Davis or destroyed. Notwithstanding this paragraph, however, plaintiffs' attorneys may each
5 retain one copy of each pleading and other document filed with the Court or submitted to a
6 mediator and/or one copy of each deposition transcript with exhibits that contain any documents
7 covered by this Order.
8

9 4. Filing of Documents Containing Confidential Information

10 Disclosed confidential information shall be labeled as "Confidential" and shall be filed
11 with the Court only after receiving written permission from the City of Davis or a court order
12 secured after appropriate notice to all interested parties. This Stipulated Protective Order creates
13 no entitlement to file confidential information under seal; Civil Local Rule 79-5 sets forth the
14 procedures that must be followed and the standards that will apply when a party seeks
15 permission from the Court to file material under seal.
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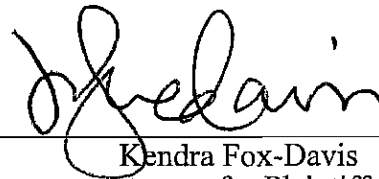
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3 DATED:

7/23/2009

By:



Kendra Fox-Davis
Attorney for Plaintiffs

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7 DATED:

By:

Stacey Sheston
Attorney for City of Davis

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11 DATED:

By:

Thomas Beatty
Attorney for Defendant

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16 IT IS SO ORDERED.

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19 DATED: July 28, 2009

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Hon. Elizabeth D. Laporte
UNITED STATES MAGISTRATE JUDGE

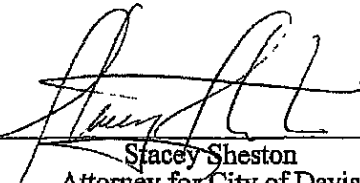


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DATED:

By: _____
Kendra Fox-Davis
Attorney for Plaintiffs

DATED: 7/23/09

By: _____

Stacey Sheston
Attorney for City of Davis

DATED:

By: _____
Thomas Beatty
Attorney for Defendant

IT IS SO ORDERED.

DATED:

Hon. Elizabeth D. Laporte
UNITED STATES MAGISTRATE JUDGE

JUL 23 2009 3:01PM

(925) 939-0203 MCNAMARA LAW FIRM

NO. 2248 P. 7

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DATED:

By: _____
Kendra Fox-Davis
Attorney for Plaintiffs

DATED:

By: _____
Stacey Sheston
Attorney for City of Davis

DATED:

July 23 2009

By: _____

Thomas Beatty
Attorney for Defendant

IT IS SO ORDERED.

DATED:

Hon. Elizabeth D. Laporte
UNITED STATES MAGISTRATE JUDGE